



Petition Number: 1505-ZC-01

Subject Site Address: West side of Tomlinson Road, south of 199th Street

Petitioner: Drees Premier Homes by HWC Engineering

Request: Modification to the written commitments associated with the rezoning of property from AG-SF1: Agriculture / Single-Family Rural District to the SF2: Single-Family Low Density District, as approved by Ordinance 06-19, for Windsor Estates (formerly Tomlinson Trace).

Current Zoning: SF2: Single-Family Low Density District

Current Land Use: Vacant

Approximate Acreage: 24.5 acres+/-

Exhibits:

1. Department Report
2. Location Map
3. Commitment Modification (Resolution No. 1505-ZC-01)
4. Ordinance No. 06-19

Property History:

0602-REZ-01	Change of Zoning Ordinance 06-19 (04/10/06)
0708-DP-12	Development Plan (withdrawn)
0708-SPP-03	Primary Plat (withdrawn)
1504-ODP-09	Overall Development Plan (pending)
1504-SPP-08	Primary Plat (pending)

Staff Reviewer: Jesse M. Pohlman, Senior Planner

PROCEDURAL

In accordance with Article 10.6 Commitments of the Unified Development Ordinance (the “UDO”), a commitment made pursuant to the UDO, may be modified or terminated only by a decision of the Plan Commission or Board to which the commitment was made.

The decision must be made: (i) at a public hearing by the Plan Commission or Board, as the case may be, after notice of the hearing has been provided under the applicable Rules of Procedure; and (ii) following an introductory presentation of the proposed modification to the Council, prior to the public hearing, if the proposed modification is to a commitment originally made in connection with a change of zoning petition.

Any modification or termination of the commitments shall not be effective until: (i) reduced to writing in a form approved by the City; (ii) approved by the Plan Commission or Board, as the case may be; (iii) executed and notarized by the current Property Owner of the real estate; and, (iv) recorded in the Office of the Recorder of Hamilton County, Indiana.

An introductory presentation of the proposed modification of commitments was made at the April 13, 2015, Council meeting. This petition received a public hearing at the Plan Commission’s April 20, 2015, meeting.

PROJECT OVERVIEW

The 24.5-acre +/- site is located on the west side of Tomlinson Road, south of 199th Street (see **Exhibit 2**), and is currently undeveloped. The property is zoned the SF2: Single-Family Low Density (“SF2”) District, pursuant to Ordinance No. 06-19, adopted by the Council on April 10, 2006, with commitments (see **Exhibit 4**). The property was zoned SF2 in 2006 as part of a larger 41.7-acre +/- parcel.

A primary plat and development plan for the overall 41.7 acres +/- was filed in 2007 for 61 single-family residential lots; however, that primary plat and development plan were subsequently withdrawn. The 41.7 acres has since been split into the subject 24.5-acre parcel and an adjacent 15.3-acre +/- parcel located along the southwest corner of the property.

The petitioner now desires to develop the 24-acre parcel and has concurrently filed a request for approval of a Primary Plat (see 1504-SPP-08) and Overall Development Plan (see 1504-ODP-09), which received its public hearing at the Plan Commission’s April 20, 2015, meeting. As a result, the petitioner is requesting to modify the commitments (see **Exhibit 3**) in order to accommodate the proposed twenty-six (26) lot single-family residential subdivision.

This modification of commitments is primarily intended to address the following:

1. Remove or refine commitments that no longer apply or that need adjusted as a result as only 24 acres+/- of the 42 acres+/- being developed;
2. Refine commitments to address the petitioner’s particular home plans and desired neighborhood character; and
3. Remove commitments that are no longer necessary as a result of the Unified Development Ordinance.

The Modified Commitments are included at **Exhibit 3**. The Modified Commitments incorporate: (i) a Tree Preservation Photo Survey (Exhibit B of the Modified Commitments) depicting the perimeter tree lines to still be preserved; (ii) a Concept Plan (Exhibit C of the Modified Commitments) depicting the Wetland Conservancy Area to still be maintained; and (iii) a Character Exhibit (Exhibit E of the Modified Commitments) depicting the established benchmark for the quality and appearance of homes within the development. The Modified Commitments only apply to the 24.5-acre parcel.

DEPARTMENT COMMENTS

- 1) This petition is now eligible for action by the Plan Commission to either approve or deny the requested commitment modification.
- 2) If the Plan Commission is inclined to approve the commitment modification, then the Department recommends as a condition of approval that **“the commitment modification instrument shall be recorded prior to the approval of the secondary plat for the property and that the recorded commitment modification shall be cross-referenced on the recorded secondary plat.”**
- 3) If any Plan Commission member has questions prior to the public hearing, then please contact Jesse Pohlman at 317.402.4380 or jpohlman@westfield.in.gov.